

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CRESTA CAPITAL STRATEGIES, LLC,

Plaintiff,

- against -

APPROVED CASH ADVANCE CENTERS, LLC,

Defendant.  
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Case No.: 08-2399

(Kaplan, J.)

(Peck, M.J.)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that upon the annexed affidavit of Jeffrey A. Miller, Esq., sworn to on July 16, 2008, the exhibits annexed thereto, the accompanying memorandum of law and upon all the pleadings, papers and proceedings had herein, the undersigned hereby moves this Court, before the Honorable Magistrate Judge Andrew J. Peck, for an Order pursuant to Rule 16(f) of the Federal Rules of Civil Procedure and the Court's inherent power: (i) imposing sanctions against defendant Approved Cash Advance Centers, LLC and/or defendant's counsel for, among other things, defendant's failure to appear at the Court-ordered June 30, 2008 settlement conference; (ii) directing defendant and/or its attorneys to pay plaintiff the sum of \$4,365.00; and (iii) granting plaintiff such other and further relief as the Court deems just, proper and equitable.


**PLEASE TAKE FURTHER NOTICE**, that pursuant to Local Civil Rule 6.1(b) for the United States District Courts for the Southern and Eastern Districts of New York, answering affidavits and memoranda, if any, must be served within ten business days of service of these moving papers.

Dated: Mineola, New York  
July 16, 2008

Respectfully submitted,

WESTERMAN BALL EDERER MILLER  
& SHARFSTEIN, LLP

By: \_\_\_\_\_

  
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